

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI

DIVISION: 6  
HON. WARREN R. DARROW  
CASE NO. P1300CR20081339

JEANNE HICKS, CLERK  
By: Lilly Miller, Deputy Clerk  
DATE: August 12, 2010

**FILED**  
DATE: August 12, 2010  
5:25 O'Clock P.M.  
JEANNE HICKS, CLERK  
By: Lilly Miller  
Deputy

**TITLE:**

STATE OF ARIZONA,

Plaintiff,

vs.

STEVEN CARROLL DEMOCKER,

Defendant.

**COUNSEL:**

Yavapai County Attorney  
Joseph Butner / Jeffrey Paupore  
(For Plaintiff)

John Sears  
and  
Larry Hammond / Anne Chapman  
OSBORN MALEDON, P.A.  
2929 North Central Avenue, 21<sup>st</sup> Floor  
Phoenix, AZ 85012  
(For Defendant)

**HEARING ON:**  
SEALED HEARING

**NATURE OF PROCEEDINGS**

**COURT REPORTER**  
Mina Hunt

**START TIME:** 8:33 a.m.

**APPEARANCES:** Joseph Butner, Co-Counsel for the State  
Jeffrey Paupore, Co-Counsel for the State  
Steven DeMocker, Defendant (in custody)  
John Sears, Co-Counsel for Defendant  
Larry Hammond, Co-Counsel for Defendant  
Anne Chapman, Co-Counsel for Defendant

At 8:33 a.m., Court reconvenes in a sealed hearing with Counsel Butner, Captain David Rhodes, State's Investigator, Counsel Hammond, Counsel Sears, Counsel Chapman, Rich Robertson, Defense Investigator, and the Defendant present. The jury is not present.

The Court clarifies that it intends to give a detailed ruling on the issue of the Hartford insurance issue tomorrow afternoon. The Court discusses its previous statements and relevant case law on the issue.

Discussion ensues regarding the status [REDACTED]. Counsel Butner advises that the State does not wish to discuss negotiations concerning [REDACTED] any further. Counsel Butner asks for a waiver from the Defendant concerning the conflict raised [REDACTED], and reiterates that the State is not seeking the removal of the defense attorneys. Counsel Butner asks that the Court make a clear record with respect to the Defendant's waiver.

The Court does not believe that there was any negotiation with respect [REDACTED]. Counsel Hammond also does not feel that they participated in any negotiations with respect [REDACTED]. Counsel Hammond believes that the request for deferral [REDACTED] should come from the State.

Counsel Butner addresses the Court regarding exactly what the conflicts are between the Defendant and his Counsel and what evidence the State would present. Counsel Butner would like to file an outline regarding these conflicts.

Counsel Hammond discusses the allegations contained in the State's motion for determination of Counsel and the State's change in position. Counsel Hammond would like to see the State's position in writing. Counsel Hammond presents further argument on the issue.

~~~~~ Recess 9:10 a.m. ~~~~~

At 4:49 p.m., Court reconvenes with Defendant and Counsel previously noted present. The jury is not present.

Court and Counsel discuss the issue of the conflicts and the proposed waiver further. Counsel Butner indicates that he will be providing a list of the specific items that the State believes need to be waived; Counsel Butner can also provide a suggested procedure for the waiver. The Court directs Counsel Butner to provide the Court with specific guidelines for a comprehensive, effective waiver.

Counsel Hammond addresses the Court regarding whether or not a 6<sup>th</sup> Amendment waiver is necessary and the Court's previous finding that there was no basis for a conflict. Counsel Hammond asks that the State file that pleading as soon as possible, so that the defense can have an opportunity to answer it. Counsel Hammond notes that associate Counsel Harrison will be present tomorrow and advises that the State has not addressed the issue of whether or not the County Attorney's office has asked [REDACTED] to be deferred.

Counsel Butner will file the State's pleading regarding the conflicts by noon tomorrow. Counsel Butner clarifies that the State has no intent to ask [REDACTED] to be deferred.

END TIME: 5:10 p.m.

cc: Division 6  
County Attorney  
John Sears  
Osborn Maledon, P.A.  
Victim Services  
Dean Trebesch (Contract Administrator, PD)  
Christopher DuPont, Trautman DuPont PLC, 1726 North Seventh St., Phoenix, AZ 85006, Counsel for Victims  
Charlotte and Katherine DeMocker  
John Napper – Counsel for Renee Girard, witness